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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,423	07/25/2006	Fabien M.J. Guillorit	US040090US	1784

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EXAMINER

SMITH, CHENEA

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,423	Applicant(s) GUILLORIT, FABIEN M.J.	
	Examiner CHENEA P. SMITH	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, 8, 10-21 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeon et al. (US20030070171, hereinafter Jeon).

Regarding claims 1, 8, 20 and 23-24, Jeon discloses an electronic program guide comprising:

a first list (listing of channels in channel guide, see Fig. 4) including first information (listing of channels, see Fig. 4), and

a second list (listing of shows on channel 120, see Fig. 4) including second information (listing of shows on channel 120, see Fig. 4) which is displayed concurrently with the first list (see Fig. 4) in response to selection of a selected information (selection of channel 120, see Fig. 4) from the first list (listing of channels in channel guide, see Fig. 4), the first information being changeable to third information in response to activation of a perspective function (see [0037], lines 1-6).

Regarding claim 2, Jeon discloses a second information is exclusively associated with the selected information (see Fig. 4).

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Regarding claim 3, Jeon discloses a first information includes a channel list, a theme list (see Fig. 4).

Regarding claim 4, Jeon discloses a first information is programmable to include a channel list (see Fig. 4).

Regarding claim 5, Jeon discloses when a first information includes a channel list, the selected information is a selected channel, and the second information includes a program list of programs associated with the selected channel and a time list of times associated with the programs (see Fig. 4).

Regarding claim 10, Jeon discloses an information list (see Fig. 7, #71) which is displayed concurrently with the a first list and a second list (see Figs. 4 and 7), the information list including data associated with a selected program, the data including description a description of the selected program (see Fig. 7, #71).

Regarding claim 11, Jeon discloses an information list (see Fig. 7, #71) is displayed in response to activation of an open switch (channel selection means function INFORMATION, see Figs. 2b and 6) while a cursor highlights the selected program (see Fig. 7).

Regarding claim 12, Jeon discloses a second list includes a close switch (channel selection means function BACK, see [0033], lines 27-28 and Fig. 2b) configured to close the second list (see [0033], lines 27-28).

Regarding claim 13, Jeon discloses an interface to navigate through an electronic program guide, the interface including a close switch (channel selection means function EXIT, see [0033], lines 14-15 and Fig. 4) configured to close menus including the first list and the second list (see [0033], lines 14-15).

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Regarding claim 14, Jeon discloses a controller is a remote controller (see Fig. 2b) and includes a perspective button (any of the buttons F1 to F4, see [0037], lines 1-6 and Fig. 2b) to activate the perspective function (any of the buttons F1 to F4, see [0037], lines 1-6 and Fig. 2b).

Regarding claims 15-19, Jeon discloses a controller includes a switch to access an electronic program guide (see Fig 2b), an up switch (see Fig 2b), and a down switch (see Fig 2b), the up switch and the down switch being configured to respectively scroll a cursor up and down the first list (see [0033], lines 18-23 and Figs. 2b and 4).

Regarding claim 21, Jeon discloses a controller configured to control an on-screen display of an electronic program guide (see Fig. 2b), the controller comprising an access switch to access the electronic program guide (see Fig. 2b), and navigation switches to navigate through the electronic program guide (see Fig. 2b), the electronic program guide comprising: a first list (listing of channels in channel guide, see Fig. 4) including first information (listing of channels, see Fig. 4), and

a second list (listing of shows on channel 120, see Fig. 4) including second information (listing of shows on channel 120, see Fig. 4) which is displayed concurrently with the first list (see Fig. 4) in response to selection of a selected information (selection of channel 120, see Fig. 4) from the first list (listing of channels in channel guide, see Fig. 4), the first information being changeable to third information in response to activation of a perspective function (see [0037], lines 1-6).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon (previously cited), as applied to claims 1 and 21 above, and further in view of Young et al. (US5353121, hereinafter Young).

Regarding claim 6, Jeon discloses the limitations of claim 1, but does not specifically disclose a theme list, selected information that is a theme, or information including programs associated with the selected theme.

In an analogous art, Young discloses a theme list (see Fig. 14, #106), selected information that is a selected theme (see Fig. 14, #106, where MOVIES is selected), and information including programs associated with the selected theme (see col 14, lines 47-59 and Figs. 1 and 14).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the Jeon's system to include a theme list, selected information that is a theme, and information including programs associated with the selected theme, as disclosed by

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Young, for the advantage of providing a user with an electronic programming guide system that may be customized to sort listings based on a variety of user preferences.

Regarding claim 22, Jeon in view of Young discloses a first list is provided in response to a first activation of an access switch (see Figs. 14 and 21), and both the first list and a second list are provided in response to activation of a program switch of the controller (see Figs. 14 and 21).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Jeon's system to include a first list provided in response to a first activation of an access switch, and both the first list and a second list provided in response to activation of a program switch of the controller, as disclosed by Young, for the advantage of providing a single button for various functions.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon (previously cited), as applied to claim 1 above, and further in view of Kondo et al. (US6763522, hereinafter Kondo).

Regarding claim 7, Jeon discloses the limitations of claim 1, wherein a first information includes a time list (see Fig. 6), a selected information is a selected time (see Fig. 6) and a second information including programs associated with the selected time, but does not specifically disclose second list including a list of channels.

In an analogous art, Kondo discloses a second list (see Fig. 2A, #50) including a list of channels (see Fig. 2A, #50).

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It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the Jeon's system to include a second list including a list of channels, as disclosed by Kondo, for the advantage of providing a user with an efficient electronic programming guide system that provides information for main channels as well as sub-channels.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon (previously cited), as applied to claim 1 above, and further in view of Knee et al. (US5589892, hereinafter Knee).

Regarding claim 9, Jeon discloses a second list, but does not specifically disclose a second list including an identifier, the identifier including a current time (see Fig. 20).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Jeon's system to include a second list including an identifier, the identifier including a current time, as disclosed by Knee, for the advantage of providing an efficient electronic programming guide system that allows the user to be aware of the current time while using the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA P. SMITH whose telephone number is (571)272-9524.

The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chenea P. Smith/
Examiner, Art Unit 2623

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623